



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

November 4, 2021

**By ECF**

The Honorable Sidney H. Stein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

Re: *State of New York, et al. v. Department of Labor, et al.*, No. 21 Civ. 536 (SHS)

Dear Judge Stein:

This Office represents Defendants, the Department and Secretary of Labor (together, “DOL”), in this Administrative Procedure Act challenge to a final rule issued by DOL on December 9, 2020. On February 9, 2021, the Court granted DOL’s motion for a stay of this case based on DOL’s representation that it intended to propose rescission of the rule at issue. *See Dkt. No. 26 at 2* (memo endorsement). The Court subsequently granted two motions to extend that stay by 90 days each. *Dkt. No. 49* (memo endorsement); *Dkt. No. 51* (memo endorsement).

On March 22, 2021, DOL submitted a notice of proposed rescission (“NPR”) of the rule to the Office of Information and Regulatory Affairs (“OIRA”) within the White House Office of Management and Budget. OIRA recently completed its review and the NPR is presently with the Federal Register awaiting publication, which is expected imminently. The publication of the NPR in the Federal Register will commence the process of notice-and-comment rulemaking, which is expected to take several months. To allow additional time for this process, DOL respectfully requests that the Court extend the stay by 120 days from November 8, 2021, to March 8, 2022, and extend DOL’s deadline to respond to the complaint from December 15, 2021, to April 14, 2022. This is DOL’s third request for an extension of the stay, and Plaintiffs consent to the request.

We thank the Court for its consideration of this request.

Respectfully,

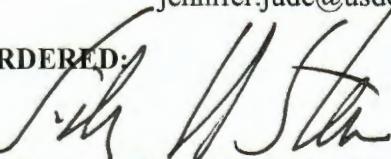
DAMIAN WILLIAMS  
United States Attorney

**The request for a stay of this matter until March 8, 2022, and an extension of time to respond to the complaint until December 15, 2021, is granted.**

By: /s/ Jennifer Jude  
JENNIFER JUDE  
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Dated: New York, New York  
November 5, 2021

SO ORDERED:

  
Sidney H. Stein, U.S.D.J.